

**41-6a-1716. Prohibition on using a handheld wireless communication device while operating a moving motor vehicle -- Exceptions -- Penalties.**

(1) As used in this section:

(a) "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.

(b) "Handheld wireless communication device" includes a:

- (i) wireless telephone;
- (ii) text messaging device;
- (iii) laptop; or
- (iv) any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.

(2) Except as provided in Subsection (3), a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually:

(a) write, send, or read a written communication, including:

- (i) a text message;
- (ii) an instant message; or
- (iii) electronic mail;

(b) dial a phone number;

(c) access the Internet;

(d) view or record video; or

(e) enter data into a handheld wireless communication device.

(3) Subsection (2) does not prohibit a person from using a handheld wireless communication device while operating a moving motor vehicle:

(a) when using a handheld communication device for voice communication;

(b) to view a global positioning or navigation device or a global positioning or navigation application;

(c) during a medical emergency;

(d) when reporting a safety hazard or requesting assistance relating to a safety hazard;

(e) when reporting criminal activity or requesting assistance relating to a criminal activity;

(f) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; or

(g) to operate:

(i) hands-free or voice operated technology; or

(ii) a system that is physically or electronically integrated into the motor vehicle.

(4) A person convicted of a violation of this section is guilty of a:

(a) class C misdemeanor with a maximum fine of \$100; or

(b) class B misdemeanor if the person:

(i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device in violation of this section while operating a moving motor vehicle on a highway in this state; or

(ii) has a prior conviction under this section, that is within three years of:

(A) the current conviction under this section; or

(B) the commission of the offense upon which the current conviction is based.

Amended by Chapter 416, 2014 General Session